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**UTICA MUTUAL INSURANCE COMPANY**  
NEW HARTFORD, NEW YORK

OCT 15 2007

Appeal Bond

BOND NO. SU4077083

National Indoor Football League L.L.C

Plaintiff

vs.

Case No.: 02:02cv548

Undertaking  
On Appeal

R.P.C. Employer Services Inc.

Defendant

WHEREAS, on the 31<sup>st</sup> day of August, 2007 in the above named Court, the above named National Indoor Football League, L.L.C, the respondent herein, recovered a judgment against the above named R.P.C. Employer Services Inc., the appellant herein, for the sum of Three Hundred Fifty Eight Thousand Nine Hundred Thirteen and 29/100 plus interest DOLLARS,

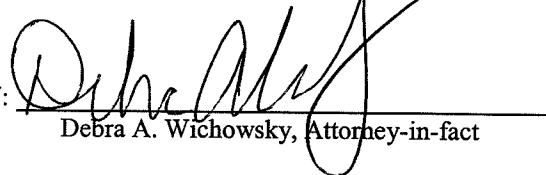
AND, the said appellant feeling aggrieved thereby, did then appeals therefrom to the United States District Court, Western District of Pennsylvania.

NOW, THEREFORE, UTICA MUTUAL INSURANCE COMPANY having an office and place of business at 180 Genesee Street, New Hartford, New York 13413, does hereby, pursuant to the Statute in such case made and provided, undertake that the appellant will pay all costs and damages which may be awarded against the appellant on said appeal, not exceeding Four Hundred Thirty Thousand Six Hundred Ninety Five and 95/100 (\$430,695.95) DOLLARS, and does also undertake that if the judgment appealed from, or any part thereof, is affirmed, or the appeal is dismissed, the appellant will pay the sum recovered or directed to be paid by the judgment or the part thereof as to which it is affirmed.

Dated, this 12<sup>th</sup> day of October, 2007

UTICA MUTUAL INSURANCE COMPANY

BY:



Debra A. Wichowsky, Attorney-in-fact

**UTICA MUTUAL INSURANCE COMPANY**

NEW HARTFORD, NEW YORK

EXPIRATION DATE September 30, 2008**POWER OF ATTORNEY**

Know all men by these Presents, the UTICA MUTUAL INSURANCE COMPANY, as a New York Corporation, having its principal office in the Town of New Hartford, County of Oneida, State of New York, does hereby make, constitute and appoint Harold G. Winstell, Wilma K. Acre, Gregory A. Gerrard, Jackson B. Nelson, Debra A. Wichowsky, Kathleen E. Caiola, all of New Hartford, New York

its true and lawful Attorney(s)-in-fact in their separate capacity if more than one is named above to make, execute, sign, seal and delivery for and on its behalf as surety and as its act and deed (without power of redelegation) any and all bonds and undertakings and other writings obligatory in the nature thereof (except bonds guaranteeing the payment of principal and interest of notes, mortgage bonds and mortgages) provided the amount of no one bond or undertaking exceeds Unlimited Dollars (\$ Unlimited ).

The execution of such bonds and undertakings shall be as binding upon said UTICA MUTUAL INSURANCE COMPANY as fully and to all intents and purposes as if the same had been duly executed and acknowledged by its regularly elected officers and its Home Office in New Hartford, New York.

This Power of Attorney is granted under and by authority of the following resolution adopted by the Directors of the UTICA MUTUAL INSURANCE COMPANY on the 27th day of November, 1961.

"Resolved, that the President or any Vice-President, in conjunction with the Secretary or any Assistant Secretary, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly acknowledged by the regularly elected Officers of the Company in their own proper persons.

"No Therefore, the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney by a facsimile, and any such Power of Attorney bearing such facsimile signatures or seal shall be valid and binding upon the Company."

In Witness Whereof, the UTICA MUTUAL INSURANCE COMPANY has caused these presents to be signed by its Authorized Officers, this 26th day of August, 2005.

George P. Wardley  
Secretary



UTICA MUTUAL INSURANCE COMPANY

Daniel D. Daly  
Vice President

STATE OF NEW YORK } ss:  
COUNTY OF ONEIDA

On this 26th day of August, 2005, before me, a Notary Public in and for the State of New York, personally came DANIEL D. DALY and GEORGE P. WARDLEY to me known, who acknowledged execution of the preceding instrument and, being by me duly sworn, do depose and say, that they are Vice President and Secretary respectively of UTICA MUTUAL INSURANCE COMPANY; and that the seal affixed to said instrument is the corporate seal of UTICA MUTUAL INSURANCE COMPANY; and that the said corporate seal is affixed and their signatures subscribed to said instrument by authority and order of the Board of Directors of said Corporation.

In Testimony Whereof, I have hereunto set my hand at New Hartford, New York, the day and year first above written.



Jackson B. Nelson  
Notary Public

STATE OF NEW YORK } ss:  
COUNTY OF ONEIDA

I, George P. Wardley, Secretary of the Utica Mutual Insurance Company do hereby certify that the foregoing Power of Attorney executed by said Utica Mutual Insurance Company and the above-quoted Resolutions of the Board of Directors adopted November 27, 1961 are still in full force and effect.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of the said Corporation at New Hartford, New York, this 12th day of October, 2007.

George P. Wardley  
Secretary

## ACKNOWLEDGMENT OF SURETY

☒ Utica Mutual Insurance Company☐ Graphic Arts Mutual Insurance Company

STATE OF New York }  
COUNTY OF Oneida } ss.:

On this 12th day of October ~~19~~2007, before me personally came Debra A. Wichowsky to me known, who, being by me duly sworn, did depose and say: that she resides in New Hartford, NY that she is Attorney-in-Fact of the Corporation described in and which executed the attached instrument; that she knows the seal of said Corporation, that the seal affixed to said instrument is such corporate seal; that it was so affixed pursuant to power conferred on him by a Power of Attorney granted to him by said Corporation and that she signed said instrument as Attorney-in-Fact of said Corporation pursuant to such authority.

  
NOTARY PUBLIC

## PRINCIPAL'S INDIVIDUAL ACKNOWLEDGMENT

WILMA K. ACRE  
Notary Public in the State of New York  
Qualified in Onondaga Co. No. 01AC5022060  
My Commission Expires 1-3-2016

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, before me personally came \_\_\_\_\_, to me known and known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to me that he executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

## PRINCIPAL'S CO-PARTNERSHIP ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, before me personally came \_\_\_\_\_, a member of the Co-partnership of \_\_\_\_\_, to me known and known to me to be the person who is described in the foregoing instrument and he acknowledges that he executed the same as and for the act and deed of the said Co-partnership.

\_\_\_\_\_  
NOTARY PUBLIC

## PRINCIPAL'S CORPORATE ACKNOWLEDGMENT

STATE OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.:

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, before me personally came \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say, that he resides in \_\_\_\_\_; that he is \_\_\_\_\_ of \_\_\_\_\_, the Corporation described in and which executed the foregoing instrument; that he knows the Corporate Seal of said Corporation; and the Seal affixed to said instrument is such Corporate Seal; that it was so affixed by order of the Board of Directors of said Corporation, and that he signed his name thereto by like order.

\_\_\_\_\_  
NOTARY PUBLIC

UTICA MUTUAL INSURANCE COMPANY

FINANCIAL STATEMENT AS OF DECEMBER 31, 2006

ASSETS		LIABILITIES AND SURPLUS	
U.S. Governmental Direct Guaranteed Bonds	\$ 79,159,346	Reserve for all Losses	\$ 781,496,438
All Other Bonds	1,438,540,494	Unearned Premiums	271,230,876
Stocks	239,251,540	Reserve for Claim Expenses	251,408,210
Mortgages	0	Dividends	11,093,260
Cash and Short-Term Investments	36,615,978	Taxes Accrued	5,686,081
Equities & Deposits in Pools and Associations	11,633,751	Federal Income Tax	1,616,532
Premiums in Course of Collection	137,113,069	Amounts Withheld on Account of Others	10,567,664
Interest Due and Accrued	18,060,490	Provision for Reinsurance	21,805,718
Other Admitted Assets	181,521,547	Miscellaneous Accounts Payable	95,001,723
<b>Total Admitted Assets</b>	<b>\$ 2,141,896,215</b>	<b>Total Liabilities</b>	<b>\$1,449,906,500</b>

Surplus Funds

Dividend Reserve	\$ 3,415,114
General Voluntary Reserve	1,500,000
Special Contingent Surplus	1,700,000
Divisible Surplus	685,374,601
Surplus as Regards Policyholders	691,989,715
<b>Total</b>	<b>\$ 2,141,896,215</b>

STATE OF NEW YORK  
COUNTY OF ONEIDA ss:

Brian P. Lytwynec, President & COO of the UTICA MUTUAL INSURANCE COMPANY, New Hartford, New York, being duly sworn, says that he is the above described officer of said Corporation, and that on the 31st day of December, 2006, all of the assets shown above were the absolute property of the said Corporation, free and clear from all liens or claims thereon except as above stated, and that the foregoing statement is a full and true exhibit of all assets and liabilities of the said Corporation at the close of business December 31, 2006, according to the best of his knowledge, information and belief.

Subscribed and sworn to before me the 14th day of March, 2007.



President & COO



Notary Public in the State of New York  
Appointed in Oneida County  
My Commission Expires April 30, 2010

Attest



Secretary

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I served a true and correct copy of the within Appeal Bond upon the following, on the 15th day of October, 2007:

***By First Class Mail:***

Hon. Terrence F. McVerry  
U.S. Post Office and Courthouse  
Sixth Floor  
Grant Street and Seventh Avenue  
Pittsburgh, PA 15219

***By Electronic Notice:***

Timothy C. Leventry, Esquire  
Leventry, Haschak, Rodkey & Klementik, LLC  
1397 Eisenhower Boulevard  
Richland Square III, Suite 202  
Johnstown, PA 15904

Bernard C. Caputo, Esquire  
John A. Caputo & Associates  
Three Gateway Center, 5th Floor East  
401 Liberty Avenue  
Pittsburgh, PA 15222

BURNS, WHITE & HICKTON

By: s/ Ira L. Podheiser  
Ira L. Podheiser, Esquire  
Attorneys for Defendant  
R.P.C. Employer Services, Inc.